

6.2 Copies of Government Agency Letters

COUNTY MANAGER
Michael K. Davis



COUNTY CLERK **UTD3.**
Neil Erickson
Kipp Bangerter
Kendall Crittenden
Val Draper
Steve Farrell
Michael L. Kohler
Jay Price

December 5, 2007

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

To Whom It May Concern,

Wasatch County Public Lands Committee has reviewed the Pre-Draft for Cooperator Review Information of Wild and Scenic River Suitability Study for National Forests in Utah and would like to make comment to your draft environmental impact statement (DEIS). Wasatch County further requests that the U.S. Department of Agriculture, Forest Service **coordinate** all plans, studies and management activities regarding the recommendation of river segments in the Wild and Scenic River System in accordance with 42 U.S.C. 4331 (a) & (b).

Of the two stream segments found to be free flowing on the Uinta National Forest, the segment of most concern to Wasatch County is the one identified as Little Provo Deer Creek (2.6 miles) and classified as recreational. This segment has been evaluated in the Wasatch County General Plan as follows:

Special Designations

Special designations include: wilderness designations, **wild and scenic rivers**, Areas of Critical Environmental Concern (ACEC), critical habitat, primitive, semi-primitive and non-motorized travel areas, and other designations that may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations may result in resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.

It is the position of Wasatch County that:

- a. The objectives of special designations can be met by well-planned and managed development and use of natural resources.
- b. Special designations shall not be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by any other means and that the area in question is truly unique or essential compared to other area lands. The Uinta National Forest final inventory of rivers considered for inclusion into the National Wild and Scenic Rivers System identifies **Little Provo Deer Creek** as potentially eligible. The segment of river identified has no outstanding or

ASSESSOR
Glen C. Burgener

ATTORNEY
Thomas L. Low

CLERK/AUDITOR
Brent R. Titcomb

RECORDER
Elizabeth M. Palmier

SHERIFF
Ken Van Wagoner

SURVEYOR
James Kaiserman

TREASURER
Karolyn Wall-Kelly

JUSTICE COURT JUDGE
O. Lane McCotter

remarkable value other than Cascade Springs itself. Wasatch County opposes inclusion of this segment for consideration in the Wild and Scenic Rivers System.

- c. Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore, special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.
- d. Wasatch County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:
 - (i) It is clearly demonstrated that water is present and flowing at all times;
 - (ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
 - (iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (v) The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.
- e. Wasatch County support for the designation of an Area of Critical Environmental Concern shall be withheld until:
 - (i) It is clearly demonstrated that the proposed area contains historic, cultural or scenic values, fish or wildlife resources, or natural processes, which are unique or substantially significant;
 - (ii) The regional values, resources, processes, or hazards have been analyzed by the federal agency for impacts resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and that this analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;

- (iii) The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
- (iv) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation.
- (v) The conclusions of all studies are submitted to the county for review, and the results, in support of or in opposition to, are included in all planning documents.
- (vi) Any impacts on private property rights are evaluated and mitigated.

Assessment for Outstanding and Remarkable Values of the Little Provo Deer Creek segment indicates a preliminary evaluation which might possess outstanding value for geological/hydrological and for ecological classification. This segment is recommended as recreational, but the final inventory shows no outstanding or remarkable values for scenic, recreation, or white water which could lend support for recreational classification. While Cascade Springs is by its self a unique feature of this segment, the major portion is nothing more than a typical Wasatch Mountain creek. In fact, the entire segment below Cascade Springs has a constructed road that fjords the stream several times. This road is used by the public for recreation, camping, sightseeing, fishing and hunting and has been in place for many decades.

The upper reaches of this stream are located on the Wasatch Mountain State Park which has a diversion pipeline to irrigate their new golf course. This diversion could take 1.93 acre feet of water from the stream which would significantly reduce the flow in Little Provo Deer Creek and thus effect its classification for Wild and Scenic River inclusion. Should this diversion be fully enforced, the upper reaches of Little Provo Deer Creek would be completely lost. The "Free-Flowing" aspect of Little Provo Deer Creek is not free of major diversions and will significantly impair the natural flow of the creek. We realize that size of a river is not a criterion for eligibility, but are also concerned that past and current diversions along with existing and past developments would be lost or diminished should the segment be designated for Wild and Scenic River.

Local government support for designation of the Little Provo Deer Creek river segment to be included in the suitability study has been and continues to be negative. Mountain Land Association of Governments has gone on record in their opposition to this proposal for many of the same reasons Wasatch County has brought forward.

Cascade Springs was intensively developed in the 1980's to include boardwalks, bridges, paved paths, and interpretive signing which strongly detracts from the natural setting of the spring. The stream below Cascade Springs supports non-native brown trout and rainbow trout that are stocked by Utah Division of Wildlife Resources. Unhealed cut banks and stream crossings along the existing road is eroding and this impairment can be found in several places along the stream segment. The resulting sediment adversely affects the quality of water in the stream. In general, the corridor of this segment of stream is laced with numerous side roads and the stream above this segment is also heavily impacted by road incursions. The

number of fjords, culverts, road fills and footbridges significantly impairs the natural free flow of this stream segment.

As a result of Wasatch County's objective review of Little Provo Deer Creek for inclusion in the Wild and Scenic River System, we find that this segment does not meet criteria for potential classification as described on page V-43 of Uinta National Forest Inventory for Wild and Scenic Rivers Eligibility. We further find that the Little Provo Deer Creek segment does not meet Wasatch County Public Land Ordinance. Wasatch County recommends that Little Provo Deer Creek be removed from further consideration as potential classification for Wild and Scenic River designation.

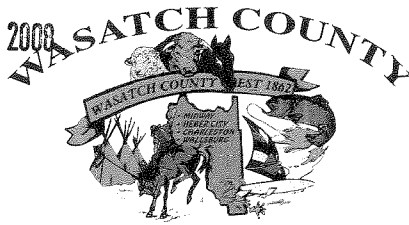


Steve Farrell
Chairman
Wasatch County Council

CC Val Payne

RECEIVED JAN 02 2008

COUNTY MANAGER
Michael K. Davis



COU **UTD4.**
Ni
Kipp Bangerter
Kendall Crittenden
Val Draper
Steve Farrell
Michael L. Kohler
Jay Price

December 17, 2007

Utah NF Wild and Scenic Rivers DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

To Whom it May Concern:

Wasatch County Public Lands Committee has reviewed the Draft Environmental Impact Statement (DEIS) for Wild and Scenic River Suitability Study for National Forests in Utah and would like to make comment to your DEIS. Wasatch County further requests that the U.S. Department of Agriculture, Forest Service **coordinate** all plans, studies and management activities regarding the recommendation of river segments in the Wild and Scenic River System in accordance with 42 U.S.C. 4331 (a) & (b).

Wasatch County was not invited to coordinate with your inventory of National Forest Wild and Scenic Rivers as outlined in the Federal Land Policy Management Act (FLPMA) Section 1712 of Title 43. Congress has defined "Coordination" to mean the following:

43 U.S.C. 1712 Land Use Plans

Federal Land Policy and Management Act (FLPMA)

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall –

(9) to the extent consistent with the laws governing the administration of the public lands, **coordinate the land use inventory, planning, and management activities** of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and **local governments** within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 460l-4 et seq.], and of or for Indian tribes by, among other things, **considering the policies of approved** State and tribal land resource management programs. In implementing this directive, **the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs,**

ASSESSOR
Glen C. Burgener

ATTORNEY
Thomas L. Low

CLERK/AUDITOR
Brent R. Titcomb

RECORDER
Elizabeth M. Palmier

SHERIFF
Ken Van Wagoner

SURVEYOR
James Kaiserman

TREASURER
Karolyn Wall-Kelly

JUSTICE COURT JUDGE
O. Lane McCotter

land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. **Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.**

Wasatch County has used FSH 1909.12 Section 82.4 “Determination of Suitability” to help determine our recommendation for inclusion of the Provo River Little Deer Creek segment into the Wild and Scenic River System. The following NEPA regulation allows Wasatch County the opportunity to participate in this inventory and to develop local plans dealing with Wild and Scenic Rivers within the county.

42 U.S.C 4331 National Environmental Policy Act (NEPA)

Sec. 4331. Congressional declaration of national environmental policy

- (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and **local** governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, **in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.**
- (b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, **to improve and coordinate** Federal plans, functions, programs, and resources to the end that the Nation may—

Wasatch County has found that there are no outstanding remarkable values (ORVs) that need protection through the National Wild and Scenic Rivers System on the Provo River Little Deer Creek. We find that the most important use is for downstream irrigation and culinary use and find that use to far outweigh the need for preservation as a Wild or Scenic River.

Provo River Little Deer Creek is not free flowing as Wasatch State Park is currently diverting 1.93 acre feet through their pipeline to irrigate their new golf course. This diversion of water from the stream would significantly reduce the flow in Little Deer Creek and thus effect its classification for Wild and Scenic

River inclusion. Should this diversion be fully enforced, the upper reaches of Little Deer Creek would be completely lost. The "Free-Flowing" aspect of Little Deer Creek is not free of major diversions and will significantly impair the natural flow of the creek.

Designation of this stream as wild and scenic is not the best method to protect the stream corridor. Alternative methods would be to continue management for multiple use benefits that are compatible with the natural qualities surrounding Cascade Springs and Little Deer Creek.

Cascade Springs was intensively developed in the 1980's to include boardwalks, bridges, paved paths, restrooms, parking lots, and interpretive signing which strongly detracts from the natural setting of the spring. The stream below Cascade Springs supports non-native brown trout and rainbow trout that are stocked by Utah Division of Wildlife Resources. Unhealed cut banks and stream crossings along the existing road is eroding and this impairment can be found in several places along the stream segment. The resulting sediment adversely affects the quality of water in the stream. In general, the corridor of this segment of stream is laced with numerous side roads and the stream above this segment is also heavily impacted by road incursions. The number of fjords, culverts, road fills and footbridges significantly impairs the natural free flow of this stream segment.

Wasatch County finds there are no demonstrated commitments to protect this segment from the county, Mountain Land Association of Governments or from water users should it be nominated for inclusion into the Wild and Scenic Rivers System.

Wasatch is opposed to any local cost sharing to administer this designation of the Provo River Little Deer Creek as Wild and Scenic River classification.

Wasatch County has no local zoning or land use controls to prevent incompatible development nor do they intend to create any such controls for Wild and Scenic River preservation.

Wasatch County does not have resources available to manage or protect this stream if it is considered for Wild and Scenic eligibility.

Wasatch County has determined through their General Plan that this segment of stream is not appropriate for inclusion in the National Wild and Scenic Rivers System.

ORDINANCE NO. 05-16

AN ORDINANCE AMENDING THE GENERAL PLAN TO INCLUDE PUBLIC LAND USE POLICIES WITHIN WASATCH COUNTY GENERAL PLAN

Special Designations

Special designations include wilderness designations, wild and scenic rivers, Areas of Critical Environmental Concern (ACEC), critical habitat, primitive, semi-primitive and non-motorized travel

areas, and other designations that may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations may result in resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.

It is the position of Wasatch County that:

- a. The objectives of special designations can be met by well-planned and managed development and use of natural resources.
- b. Special designations shall not be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by any other means and that the area in question is truly unique or essential compared to other area lands. **The Uinta National Forest final inventory of rivers considered for inclusion into the National Wild and Scenic Rivers System identifies Little Provo Deer Creek as potentially eligible. The segment of river identified has no outstanding or remarkable value other than Cascade Springs itself. Wasatch County opposes inclusion of this segment for consideration in the Wild and Scenic Rivers System.**
- c. Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore, special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.
- d. Wasatch County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:
 - (i) It is clearly demonstrated that water is present and flowing at all times;
 - (ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
 - (iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (v) The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within

the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

- e. Wasatch County support for the designation of an Area of Critical Environmental Concern shall be withheld until:
 - (i) It is clearly demonstrated that the proposed area contains historic, cultural or scenic values, fish or wildlife resources, or natural processes, which are unique or substantially significant;
 - (ii) The regional values, resources, processes, or hazards have been analyzed by the federal agency for impacts resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and that this analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;
 - (iii) The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
 - (iv) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation.
 - (v) The conclusions of all studies are submitted to the county for review, and the results, in support of or in opposition to, are included in all planning documents.
 - (vi) Any impacts on private property rights are evaluated and mitigated.

Wasatch County finds that the designation of Provo River Little Deer Creek segment to be **inconsistent** with the Wasatch County General Plan and is counter to input from the Mountain Lands Association of Governments and Wasatch County. Wasatch County requests that the Utah Wild and Scenic Rivers Team coordinate all plans, studies and management activities proposed in this DEIS in accordance with 42 U.S.C. 4331 (a) & (b) and that all future actions be conducted in accordance with the Wasatch County General Plan.

Wasatch County finds that the Provo River Little Deer Creek would add nothing to the Wild and Scenic Rivers System as there are no outstanding or remarkable values associated with this segment of a typical Wasatch Mountain Stream.

Wasatch County finds there are no future or potential water resource development associated with this stream that would encourage protection through the National Wild and Scenic Rivers Act.

As a result of Wasatch County's objective review of Little Deer Creek for inclusion in the Wild and Scenic River System, we find that this segment does not meet criteria for potential classification as described on page V-43 of Uinta National Forest Inventory for Wild and Scenic Rivers Eligibility. We further find that the Little Deer Creek segment does not meet Wasatch County Public Land Ordinance. Wasatch County recommends that Little Deer Creek be removed from further consideration as potential classification for Wild and Scenic River designation.

Wasatch County requests that this evaluation be carried forward throughout the remainder of this planning process.

A handwritten signature in dark ink, appearing to read "Steve Farrell". The signature is fluid and cursive, with the first name "Steve" and last name "Farrell" clearly distinguishable.

Steve Farrell
Chairman
Wasatch County Council

CC Julie King



Road Closure Sign is misleading: Dispersed recreation including fishing, hiking, camping, ATV and 4x4 traffic is available. There is an outlet for ATV and 4x4 traffic near Deer Creek Reservoir Dam on Highway 40.



Vegetative diversity has been compromised by recent Cascade Springs escaped fire. Invader species including cheat grass, Bromus tectorum, can be found throughout the vegetative community.



Pole fence to control dispersed camping adjacent to proposed wild and scenic river segment. Dispersed camping is available and encouraged along the entire length of the river.



Designated Camping area adjacent to stream. Signs indicate appropriateness of this activity and encouraged by the Uinta National Forest.



User developed dispersed recreation site next to stream.



ATV crossing of stream closed by Uinta National Forest. Dispersed camping site on left of photo.



User developed dispersed camping location. Trash is confined to fire pit and the campsite is clean.



Fishing Access to Stream. Shoreline along the entire length is well developed and accessible by vehicles.



Vehicle Access to Stream from Little Deer Creek Road. Dispersed recreation access to Little Deer Creek is typical of other Wasatch Mountain streams.



Fisherman access immediately adjacent and parallel to Little Deer Creek.



Typical vehicle fjord across Little Deer Creek.



Wide fjord of Little Deer Creek.

AA

AA

----- Forwarded by [redacted] on 12/18/2007 02:28 PM -----

Web Comments

15

RECEIVED JAN 15 2008

UTD30.

 Sanpete Water
Conservancy District

90 West Union Street

Manti, Utah 84642

435/835-5671

435/835-5678 fax

January 8, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Re: Comment to Designation of Fish Creek and its tributary Goosberry Creek, Manti
LaSal National Forest, as a wild and scenic river

To Whom it May Concern:

The Sanpete Water Conservancy District submits this comment to the Draft Environmental Impact Statement prepared by the United States Forest Service as part of its statewide inventory of waterways potentially suitable for designation as a National Wild and Scenic River (NWSR). The District requests that the Forest not make any finding that Fish Creek is suitable for designation as a National Wild and Scenic River.

In 1989 the Forest Service subordinated all of its water rights in Gooseberry Creek, a tributary to Fish Creek,¹ to the Sanpete Water Conservancy District for the express purpose of allowing the District to construct the Gooseberry Narrows Reservoir. The subordination agreement was negotiated for the Forest Service by the Department of Justice. The need for the agreement arose out of protracted litigation between the Forest and the District over the Forest's claims to a federal reserved water right in the creek.

As a result of the agreement, the District is free to develop the Narrows project despite any titular claims to any portion of the waters of Gooseberry Creek by the Forest Service. This is important to NWSR designation, since title to water is required for such a designation (much like federal title to land is required to create a national park).

The Forest Service was reminded of the agreement in comments made incident to the Manti National Forest's finding that Gooseberry Creek, as a part of Fish Creek, was eligible for designation as a wild and scenic river. The District vigorously protested this designation, citing the 1989 agreement. Shortly thereafter, the Forest recognized the merit of the District's protest and dropped any course of


¹ As a tributary to Fish Creek, Gooseberry Creek would be included in any decision to designate Fish Creek a NWSR.

Utah NF Wild and Scenic River DEIS
January 8, 2008
Page 2

action that would have put interim management requirements or other additional regulatory requirements on the District's use of Gooseberry water. (The Forest Service had considered such additional requirements in light of its prior finding of eligibility.)

The District now respectfully requests that the Forest Service, in the decision before it, continue to recognize the legality and applicability of the 1989 agreement. Gooseberry Creek, and by extension Fish Creek,² should not be deemed suitable for NWSR designation because of the District's senior title in Gooseberry water.

Very truly yours,



Phillip E. Lowry
General Counsel

PEL/mc

² There is no practicable way to manage Fish Creek as a NWSR while the District's rights remain senior. The variable and altered flows that from time to time might exist in the upper reaches of Gooseberry Creek as a result of the project would be inconsistent with the practical management of Fish Creek as a NWSR, no matter how on a theoretical level management guidelines could be crafted to accommodate both uses of the water.

January 3, 2007

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Dear USFS WSR Team:

The Board of the North Fork Special Service District (NFSSD) is a governing body of the North Fork canyon under the direction of Utah County. We are located in the North Fork Canyon of the Provo River near Sundance ski resort. The NFSSD operates a culinary water system that supplies drinking water to more than 1000 people each day. A 1.3 mile section of the North Fork of the Provo River is up for designation as a Wild and Scenic River (WSR). If this 1.3 mile section were designated, it could severely impact the operation of our water system. We have some concerns that we feel need to be addressed.

We are concerned that this designation will influence both our and the Forest Service ability to maintain and repair the collection and distribution systems of the Timpanogos Spring. The District has an agreement with the Uinta National Forest to utilize excess flows from the Timpanogos Spring. The water is critical to the operation of our water system. We use the overflow water to help feed a portion of the canyon with water for homes, beautification of the area, and for fire protection. Loss of this water to a malfunction of the spring capturing system that could not be repaired because of this designation could be detrimental and in some cases unsafe to those that live in the community and those that visit the area. With the spring being in a designated Wilderness area, it is difficult to maintain the spring and its workings, even more so if it is designated as a WSR. Losing the surplus water from the Forest Service spring could cause undue stress on our existing Aspen Grove spring that could damage the spring and the stream system at Aspen Grove. This would cost a great deal in terms of the beauty of the stream system for the canyon and for Aspen Grove Family Camp and Conference Center, an issue that would not be in harmony with what the WSR is trying to accomplish. For several years the Uinta National Forest has tried to obtain permission to replace the water tank serving the Timpanogos Campground. They have not yet been able to receive the required permission due to the existing tank being inside a Wilderness boundary.

With the North Fork stream being reviewed to be a WSR and also being a designated Wilderness area, we feel that we are increasing the protection for the area unnecessarily. Does the Wilderness area designation not protect the area enough that we also need to have a WSR designation as well? Is the Wilderness area designation that has worked well for a number of years not enough? We suggest that the Wilderness area designation has done a remarkable job of protecting the stream as well as the surrounding area in the past. A WSR designation is not needed to protect this area.

We have discovered that Utah County "question(s) the manageability of this segment (due to its short length) and do not support its designation." Also, if "it is unlikely either the County or State would participate in the shared preservation and administration of the river," than why are we trying to designate this small 1.3 mile section of stream as a WSR, especially if it is already protected by a Wilderness area designation?

The North Fork Special Service District whole heartedly supports the WSR concept. We believe that most of the remaining river sections should be protected. We do not believe that removing the North Fork stream from designation as a Wild and Scenic River would harm the stream or surrounding area. The North Fork Special Service District is not in favor of Wild and Scenic River Act for the North Fork of the Provo River. We would like to see it removed from eligibility in its entirety.

UTD32

- 2 -

January 22, 2008

Sincerely,

Chairman
Stephen Minton

Board Members

Lee Brennan

Norman Clyde

James Dodds

Gary Liddiard

Stewart Olsen

Bert Thomas

THE STATE



OF WYOMING

RECEIVED FEB 04 2008

UTD66.

DAVE FREUDENTHAL
GOVERNOR

Water Development Commission

6920 YELLOWTAIL ROAD

TELEPHONE: (307) 777-7626

CHEYENNE, WY 82002

FAX: (307) 777-6819

Michael K. Purcell
Director

January 29, 2008

United States Department of Agricultural, Forest Service
Utah NF Wild and Scenic River DEIS
P. O. Box 162969
Sacramento, CA 95816-2969

A. Lee Arrington
Bill Bensei
Dan S. Budd
Mitchel Cottenoir
Floyd Field
Dick Geving
George Jost
Anne MacKinnon
Jim Wilson
Robert Yernington

Subject: Utah NF Wild and Scenic River DEIS

The Water Development Office (WWDO) appreciates the opportunity to review and comment on the subject Draft Environmental Impact Statement (DEIS). The WWDO has reviewed the United States Department of Agricultural Forest Service's DEIS evaluating certain stream and river segments identified in Alternative 3 as eligible for inclusion in the National Wild and Scenic River System.

After reviewing the proposed DEIS stream segments entering or near the Wyoming border, we have found only one stream segment which may affect a future reservoir project in Wyoming. The DEIS stream segment in question is on the Blacks Fork located in Utah just above Meeks Cabin Reservoir located in Unita County, Wyoming. The Meeks Cabin Reservoir has been identified as a possible future enlargement project. The upstream portion of the enlarged reservoir as proposed may encroach onto the segment of Blacks Fork identified in the DEIS. The reservoir currently supplies water for agricultural in an area of the State currently affected by drought. The proposed segment of Blacks Fork identified in the DEIS may preclude any possibility for a reservoir enlargement at this site. We believe the potential for this reservoir to be enlarged needs to remain open for the benefit of Wyoming agriculture and possibly future municipal water supplies in this area of the State.

If you have any questions regarding our comments, please contact Mr. Phil Ogle of my staff at 307 777 5803.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Besson".

Mike Besson, Supervisor
Dams and Reservoir Section
Wyoming Water Development Office

RECEIVED FEB 06 2008

UTD69.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 22 2008

Ref: Ref: EPR-N

Catherine Kahlow
United States Forest Service
WSR Team Lead
Post Office Box 68
Kamas, Utah 84036

Re: Wild and Scenic River Suitability Study for
National Forest Systems Lands in Utah Draft
Environmental Impact Statement (DEIS)

Dear Ms. Kahlow:

The Environmental Protection Agency (EPA) Region 8 has reviewed the Draft Environmental Impact Statement (DEIS) for the Wild and Scenic River Suitability Study for National Forest Systems Lands in Utah. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4371 *et seq.* and the Clean Air Act §309, 42 U.S.C. 7609, EPA offers the following comments for your consideration.

With this DEIS, the US Forest Service (USFS) proposes to assess whether or not eligible river segments should be recommended to Congress for inclusions in the National Wild and Scenic River Systems (NWSRS). As stated in the DEIS, the motivation for the USFS to complete this action is the desire of the State of Utah and a number of counties to complete the suitability step of the wild and scenic river analysis. Approximately 840 river miles in Utah are now protected under these interim measures. Once this Record of Decision (ROD) is issued, the preliminary recommendation for wild and scenic designation will be forwarded to the Chief of the Forest Service, Secretary of Agriculture and President of the United States for possible modifications. A final recommendation would be then made to Congress for final decisions on designation of rivers as part of the National Wild and Scenic River System. Those river segments not selected for wild and scenic protection by Congress would no longer be protected under the existing interim measures. The rivers under study are located on the Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forest within the State of Utah.

In EPA's review of the DEIS we would like to commend the USFS in the preparation of a well thought-out and organized NEPA document. It was easy to understand how the USFS developed its range of alternatives that would be evaluated in detail in the DEIS and why other

alternatives proposed were eliminated from further study. The evaluation of each river segment was clearly laid out and easy to understand. We do have some comments on what we would like to see in the FEIS that would help make the document more informative. The following are areas that we believe could be expanded:

Alternative Impact Analysis:

The DEIS has evaluated in detail six alternatives. In our review of the DEIS document, EPA had some difficulty in determining which alternative could be the environmentally preferred alternative. It appears in the DEIS that between the action alternatives 3, 4, 5 and 6; alternative 5 would be the most protective of the river ecosystems since it would place the largest amount of river miles under the NWSRS. However, under alternative 5, 310 river miles would not be placed under the NWSRS and would lose their interim protection and management under FSH 1909.12, Chapter 80 – Wild and Scenic River Evaluation. In looking at the Alternative 1 the DEIS's No Action alternative, suitability would be deferred on all 840 miles that have been determined to be suitable for designation in the NWSRS. This would mean that all 840 miles designated as eligible for NWSRS would still have interim protection. EPA would like to see the FEIS evaluate which alternative; alternative 1 or alternative 5 would be the environmental preferred alternative and include this evaluation in the FEIS.

In addition, it is unclear in the DEIS what would be the environmental consequences in removing river segments from interim protection. The FEIS should include some form of evaluation for each alternative on what would be the environmental impacts in removing interim protection from river segment proposed in that alternative.

EPA's Rating

EPA has a responsibility to provide an independent review and evaluation of the potential environmental impacts associated with this DEIS. Based on the procedures EPA uses to evaluate the adequacy of the information and potential impacts of the Preferred Alternative, EPA is rating the DEIS as Environmental Concerns- Inadequate Information, "EC-1." "EC" signifies that EPA's review of this Draft EIS has identified environmental impacts that should be avoided in order to fully protect the environment. A "1" rating signifies that the DEIS adequately sets forth the environmental impacts of the preferred alternative and those of the alternatives reasonably available to the project; no further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information

UTD69

We appreciate the opportunity to comment on the DEIS. If you have any questions or would like to discuss our comments, please contact Dick Clark of my staff at (303) 312-6748 or by email at clark.richard@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry Svoboda", with a stylized, flowing script.

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and
Remediation

enclosure

UTD69

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

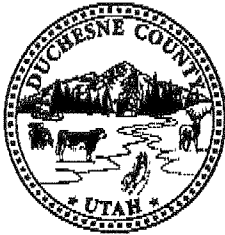
Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



DUCHESNE COUNTY COMMISSION

W. Rod Harrison, Chairman; Kent R. Peatross, Member; Kirk J. Wood, Member
P.O. Box 270
Duchesne, Utah 84021-0270
Phone (435) 738-1100
Fax (435) 738-5522

February 11, 2008

Utah NF Wild and Scenic Rivers DEIS
PO Box 162969
Sacramento, CA 95816-2969

Post-it® Fax Note	7671	Date	2-12-08	# of pages	9
To	Utah NF W*SR DEIS	From	Duchesne County		
Co./Dept.		Co.	Utah		
Phone #		Phone #	435-738-1151		
Fax #	916-456-6724	Fax #	" 738 5522		

Dear Utah Wild and Scenic Rivers Team:

Duchesne County, Utah has reviewed the Draft Environmental Impact Statement and Suitability Study for 840 miles of eligible river segments in Utah, paying particular attention to those within our jurisdiction. Our comments are as follows:

Utah State Law, codified in Section 63-38d-401 (8) of the Utah Code, states:

(8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;
(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed; Duchesne County believes that the thresholds and methodology utilized to determine what is "outstandingly remarkable" has been set too low, resulting in more miles of river being considered to have "outstandingly remarkable values" than actually exists.

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3); The Duchesne County general plan opposes special designations such as wild and scenic rivers as they "result in non-use, restricted use or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions and are inconsistent with the principles of multiple use and sustained yield."

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency; Duchesne County believes that the socio-economic analysis that appears in the DEIS is grossly inadequate to estimate the effects of designation on the socio-economic sectors listed above.

Utah NF Wild and Scenic Rivers DEIS

February 11, 2008

Page 2

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed; Duchesne County believes that existing management tools are sufficient to protect the subject rivers. In several sections of the DEIS, see Pages 3-40, 3-63, 3-72, 3-90, 3-108, 3-150, 3-176, 3-193, 3-200 and 3-205, there are statements indicating that existing laws will protect the resources even if the Wild and Scenic Designation is not approved.

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and Page 1-16 of the DEIS contains a statement that the "Wild and Scenic Rivers Act creates a federal reserved water right for a quantity of water sufficient to meet the purposes of the Act on designated river segments, but that federal reserved water right would be junior to existing water rights." This federal water right is inconsistent with state law and is opposed by Duchesne County. In spite of the fact that this federal reserved water right is junior to existing water rights, it will hamper allocation of new water rights from the stream to meet long-term needs that may arise with population growth in the future.

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment; Depending on the Alternative selected, Wild and Scenic River designation will impact water development projects upstream, downstream and within the segment. Alternatives 2 and 4 are acceptable to Duchesne County in this respect. Alternatives 1, 3, 5 and 6 are not acceptable to Duchesne County due to such impacts.

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

Utah NF Wild and Scenic Rivers DEIS

February 11, 2008

Page 3

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or Again, in spite of the fact that the federal reserved water right is junior to existing water rights, it will hamper allocation of new water rights from the stream to meet long-term needs that may arise with population growth in the future.

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

The Duchesne County General Plan contains the following policies regarding Wild and Scenic Rivers:

County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:

(i) It is clearly demonstrated that water is present and flowing at all times;

(ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed; We repeat that the thresholds and methodology utilized to determine what is "outstandingly remarkable" has been set too low, resulting in more miles of river being considered to have "outstandingly remarkable values" than actually exists.

(iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency; We repeat that the socio-economic analysis that appears in the DEIS is grossly inadequate to estimate the effects of designation on the socio-economic sectors listed above.

(iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and

(v) The rationale and justification for the proposed addition, including a comparison

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 4

with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected. We repeat that existing management tools are sufficient to protect the subject rivers. In several sections of the DEIS, such as on Pages 3-40, 3-63, 3-72, 3-90, 3-108, 3-150, 3-176, 3-193 and 3-200, there are statements indicating that existing laws will protect the resources even if the Wild and Scenic designation is not approved.

Page 1-3: It is stated on this page that one of the considerations used to determine suitability of river segments for designation is whether the river's free-flowing character, water quality and outstandingly remarkable values should be protected or are one or more other uses important enough to warrant doing otherwise. Utah is an arid state that is experiencing significant population growth. Jeopardizing the ability of future generations to access essential water supplies to meet the needs of a growing population is unwise and shortsighted. We submit that water development is another use important enough to warrant Alternative #2 (no rivers found suitable) being approved.

Page 1-12: The Wild and Scenic Rivers Act prevents the federal government from licensing or assisting with the construction of reservoirs or other water resource projects on designated rivers when such a project would negatively impact the outstandingly remarkable values. As stated above, not knowing what the future water needs will be to serve a growing population, Wild and Scenic designation removes options for future generations to develop essential water supplies.

Page 1-14: Some who have supported Wild and Scenic River designations in Utah feel that additional tourism will result, which will benefit local economies. Duchesne County agrees with statements made on Page 3-108 and elsewhere in the DEIS where it is recognized that remote, rural areas, such as Duchesne County, are less likely to see economic benefits from increased tourism associated with Wild and Scenic River designations. And, as recognized on Page 3-109, tourism jobs are among the lowest paying jobs and offer the fewest benefits to the economy.

Page 3-17: Under Alternative 6, paragraph 2, there are 27 segments (46 minus 19) covering 246 miles determined not suitable (not 17 segments).

Page 3-40: For river segments with Historic/Cultural ORV's, it is clear on this page that Wild and Scenic River designation is not necessary to protect those values as they are already protected by the National Historic Preservation Act, the Historic Sites Act, the Antiquities Act, the Archaeological Resources Protection Act and state laws.

Page 3-58: Under Alternative 5, paragraph 2, there are 10 segments with 93 miles (235 minus 142) with ecological values not suitable (not 97 miles).

Utah NF Wild and Scenic Rivers DEIS

February 11, 2008

Page 5

Page 3-63: For river segments with outstanding botanical resources, it is evident that such resources are already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-72: For river segments with endangered aquatic species, it is evident that such resources are already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-90: For river segments where the environmental impacts of livestock grazing are of concern, this page notes that livestock grazing is already strictly regulated by forest plan standards and guidelines, individual allotment management plans and annual operating instructions and plans. Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from the impacts of livestock grazing.

Page 3-92: Under "Affected Environment," it is noted that recreation visits to the six national forests in Utah exceed 11 million and is growing. Over what time period did these 11 million visits occur?

Pages 3-100 to 3-106: The socio-economic analysis presented is inadequate to demonstrate the importance of national forest lands to the local communities that rely on them for water and other resources to fuel the economy and how multiple use of forest lands is part of the rural lifestyle and culture.

Page 3-108: Under Alternative 2 it is recognized that if no river segments are deemed suitable, the net effects to the environment will likely be "minimal due to current protections in place, including compliance with existing laws and Forest Plan directions." With this in mind, Duchesne County recommends that Alternative 2 be approved; thus saving \$583,154 to \$777,539 per year for the first three years in the preparation of comprehensive river management plans and saving \$583,154 to \$777,539 in annual administrative costs thereafter. Those taxpayer dollars should be utilized more wisely, rather than establishing unnecessary layers of environmental regulation when sufficient regulation exists.

Page 3-111: Under Alternative 6, it states that "Counties with limited water resources and whose planned growth necessitates the development of water projects would experience the most impacts" of Wild and Scenic River designation. All Utah counties fit this description. For this reason, Alternative 6 is unacceptable to Duchesne County. We also feel that Alternative 5; while it may not impact water development projects currently envisioned it would remove flexibility to develop water projects that could be necessary in the long term.

Utah NF Wild and Scenic Rivers DEIS

February 11, 2008

Page 6

Page 3-122: Under Alternative 5, it states: "No other water developments affecting these segments are known or expected. All known proposed water developments occur downstream and are not expected to alter or be altered by designation." This statement appears to be in conflict with the findings in Table 3.12.4 on Page 3-170, where it shows that there are potential water development projects on the Upper Uinta and Upper Yellowstone Rivers within river segments deemed suitable under Alternative 5.

Page 3-150: For river segments where the environmental impacts of timber harvesting are of concern, this page notes that timber harvesting is already strictly regulated by "other laws and regulations, Forest Plans and best management practices." Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from the impacts of timber harvesting.

Page 3-158: For river segments where water quality is a concern, it is evident that water quality is already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-176: For river segments where the environmental impacts of existing water resource development are a concern, it is evident that water resources are already sufficiently protected by the Utah Water Quality Act and EPA standards. Wild and Scenic River designation is not necessary to protect water quality associated with existing water development projects.

Page 3-178: Eighty-six (86) miles of Wild, 44 miles of Scenic and 12 miles of Recreational rivers add up to 142 (not 139) miles of suitable river with existing water developments. Fifty-five (55) miles of suitable river with potential water development projects contains 40 (not 101) Wild miles, 10 (not 67) Scenic miles and 5 (not 91) Recreational miles.

Page 3-181 and 3-183: For river segments where the environmental impacts of potential water resource development are a concern, it is evident that water resources are already sufficiently protected by the Utah Water Quality Act and EPA standards. Wild and Scenic River designation is not necessary to protect water quality associated with potential water development projects.

Page 3-184: On this page, there is a statement that "Under Alternative 5, there are a number of streams that do not meet the State of Utah's prerequisite of having water present and flowing at all times." In the next paragraph, there is a statement that "Under Alternative 5, there are no streams that do not meet the State of Utah's prerequisite of having water present and flowing at all times." The second statement appears to be incorrect.

Page 3-193: For river segments where environmental impacts on wildlife are of concern, this page notes that "Protection of river values would continue to be managed by existing laws and

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 7

regulations and standards provided in Forest Plans.” Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect MIS or TES wildlife habitat along rivers.

Page 3-200: For river segments where cumulative effects are of concern, this page notes that “Protection of river values would revert to direction provided in the underlying Forest Plans for the area, and existing laws and regulations. Choosing this alternative [Alternative 2] would not in itself initiate any changes to river segments...”. Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from adverse cumulative effects.

Page 3-205: In considering the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, it is stated that; “Forest management, practiced under either federal or state standards, ensures that short-term resource activities do not significantly impair the land’s long-term productivity.” Duchesne County believes that **existing** forest management is sufficient to protect long-term productivity and that Wild and Scenic River designations are an unnecessary layer of protection.

Appendix D, Page D-3: Acquisition Procedures and Limitations: While acquisition of private land along a designated river may be deemed appropriate in some circumstances, the Duchesne County General Plan contains the following applicable policies:

Land Exchanges, Acquisitions, and Sales

Whereas more than fifty-percent of Duchesne County consists of public lands managed by federal or state agencies, further loss of private property will result in a diminution of the economic base and cultural values.

It is the position of Duchesne County that:

- a. Private property shall be protected from coerced acquisition by federal, state and local governments.*
- b. The County shall be compensated for loss of private lands or tax revenues due to land exchanges.*
- c. Private lands shall not be converted to state or federal ownership in order to compensate for government activities outside of Duchesne County.*
- d. Any conversion from private property to public lands shall result in no net loss of private property. No net loss shall be measured both in terms of acreage and fair market value.*
- e. A private property owner has a right to dispose of or exchange property as he/she sees fit within applicable law.*

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 8

Duchesne County expects that the above policies will be taken into account if any private land is proposed for acquisition along a designated river segment within our jurisdiction.

Appendix D, Page D-3: Restrictions on Hydroelectric and Water Resources Projects: The fact that Section 7 (a) of the Wild and Scenic Rivers Act "governs water resources projects below, above or on a stream tributary to a designated river or congressionally approved study river" creates the possibility for the federal administering agency to regulate or prevent needed water development projects not just on the designated segment but anywhere in the river's drainage basin. This provision is a good reason to select Alternative 2 and keep water development options open for future generations.

Appendix D, Page D-7: Easements and Rights of Way: Wild and Scenic River designation and the non-degradation policies therein will make it more difficult to construct transmission lines and pipelines to serve the energy needs of our nation.

In conclusion, Duchesne County asserts that the Draft EIS fails to demonstrate that designation of any wild and scenic river segments in Utah would comply with Utah State Law [Section 63-38d-401 (8)]. Alternatives 1, 3, 5 and 6 would be contrary to the Duchesne County General Plan. Alternatives 2 and 4 are more acceptable in that they designate no rivers Wild and Scenic in Duchesne County; however, we would oppose Alternative 4, as it would hamper water development for our neighbors in fast-growing Uintah County.

According to the U.S Treasury Department, the national debt as of January 25, 2008 was over \$9.1 trillion and has increased at a rate of about \$1.43 billion per day since September of 2006. The national debt is so high because of many years of wasteful federal government spending. Why add to this debt by spending taxpayer funds on needless levels of regulation when existing regulations are sufficient to protect truly outstanding rivers?

Knowing that Utah is a very arid state and that the population of Utah is expected to increase from about 2.7 million in 2007 to 5.4 million in 2050 (according to the *2007 Economic Report to the Governor*) it would be foolish to eliminate certain river segments from being able to help meet those long-term water needs. Even though "only" 840 miles of river segments are under consideration, the federal act can potentially restrict water resources development upstream, downstream and on any tributary stream, making the potential mileage affected much greater.

At the 2008 Uintah Basin Water Conference, held recently in Vernal, the results of a new water projects study, funded by the Central Utah, Duchesne and Uintah Water Conservancy Districts, were made public. The study, prepared by CH2M Hill, is entitled "Conceptual Analysis of Uinta and Green River Water Development Projects." Water from these sources is critical to meet future water needs in the Uinta Basin. Alternatives 3, 5 and 6 would designate the Upper Uinta River for additional protection and potentially eliminate this alternative. This would be devastating to the Basin.

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 9

Sincerely,

DUCHESNE COUNTY COMMISSION

WR Hamner
Hub. Wood
Ed. R. Rasmussen

Mike Hyde

Mike Hyde
Community Development Administrator

pc: Public Lands Policy Coordination Office, PO Box 141107, Salt Lake City, UT 84114
Uintah County Commissioners, 152 E 100 North, Vernal, UT 84078
Daggett County Commissioners, 85 N 100 West, Manila, UT 84046
Laurie Brummond, Uintah Basin Assn. of Governments, 330 E 100 S., Roosevelt, UT 84066
Kevin Elliot, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078
Randy Crozier, DCWCD, 855 E 200 North (112-10), Roosevelt, UT 84066
Catherine Kahlow, USFS WSR Team Leader, PO Box 68, Kamas, UT 84036
Kelly Bird, Moon Lake Water Users Association, PO Box 234, Roosevelt, UT 84066-0234



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY

Program Director
CUP Completion Act Office
302 East 1860 South
Provo, Utah 84606-7317

UTD95.



CA-1300
ENV-7.00

FEB 08 2008

RECEIVED FEB 13 2008

Utah National Forest Wild
and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Subject: Draft Environmental Impact Statement (DEIS) - Wild and Scenic River
(WSR) Suitability Study for National Forest System Lands in Utah

Dear Sir:

This letter provides our comment on the subject DEIS dated November 2007. Our letter dated July 3, 2007, was provided as part of the public scoping process to give background information and alert you to our interests in this action. Our review of the DEIS indicates that the material we provided was included appropriately in the DEIS. Our comments herein will again focus on the DEIS treatment of issues we raised in scoping.

In providing these comments, we have particularly reviewed the proposed restrictions, displayed in Table 3.1.1, that could attach to activities, including our proposed Federal activities, within river corridors of designated stream reaches, as well as the assumptions regarding review of proposed actions in such corridors presented in Table 3.1.2. We are guided in our comments by the policy direction established in these tables for evaluation of activities within the designated WSR river corridors.

For background, our office is responsible for completion of the Central Utah Project (CUP), an element of the Colorado River Storage Project, a multi-state water resources development authorized by Congress for the Upper Colorado River basin. Water development facilities of the Bonneville Unit of the CUP are located in the Uinta Basin, on the Ashley National Forest generally below (elevation) the High Uintas Wilderness Area, location of many of the designated stream segments identified in this DEIS. Other elements of the CUP extend our responsibilities as discussed below.

High Lake Stabilization – Uintah Basin Replacement Project (UBRP), Bonneville Unit, CUP

High mountain lakes stabilization described in our scoping letter is planned within the drainages of Upper Lake Fork River and Oweep Creek, Upper Yellowstone Creek, and Garfield Creek, all recommended for Wild classification.

While none of the high mountain lakes proposed for rehabilitation are on the main stem of these creeks, all are within the drainage basins and are near designated WSR corridors. Reviewing potential restrictions on the type of work proposed, it appears that we could rehabilitate all remaining lakes without altering the free-flowing nature of the streams or adversely affecting any other Outstandingly Remarkable Values (ORV) which support the designation. No new roads or trails are anticipated and motorized travel has not, to date, been required. We have completed work on 4 of the 13 lakes scheduled for rehabilitation under wilderness requirements that appear to be compatible with (if not more restrictive than) WSR restrictions. Work on the remaining lakes will be planned in conjunction with the Ashley National Forest personnel with any adverse effects prevented to the extent possible under existing agency authorities (such as special use authority).

We note that designations on the Upper Lake Fork River/Oweep Creek, and Upper Yellowstone Creek/Garfield Creek are not included in Alternative #3, the Preferred Alternative. However, we realize that the Preferred Alternative may not be selected as the Proposed Action in the FEIS.

Utah Lake System, Bonneville Unit

Fifth Water Creek, in the Diamond Fork Drainage of the Uinta National Forest, is proposed for Scenic designation. Hydropower development is proposed in Diamond Fork under the approved Definite Plan Report for completion of the CUP. Our proposed Sixth Water Transmission line serving these facilities will cross Fifth Water Creek, probably on elevated power poles or towers, thereby crossing the designated WSR corridor. Lands have been withdrawn from the public domain for this purpose, the details of which were provided in our scoping letter (Public Land Order No. 7668, July 3, 2006; our CUP FEIS Map 1-4 and DRP, Figures 3-1 and 4-4; copies available on request).

It is likely that a new utility corridor, with new roads and motorized travel, will be required within the withdrawn parcels to facilitate this transmission line. It is not apparent that these new facilities would affect the free-flowing nature of Fifth Water Creek or adversely affect ORVs, however planning is not complete for these facilities. We will maintain coordination with the Uinta National Forest as planning proceeds on this CUP facility. We believe this information should be included in the FEIS discussion for Fifth Water Creek.

CUP Mitigation

Red Butte Creek, above (upstream of) Red Butte Reservoir, Salt Lake County, on the Wasatch-Cache National Forest, is proposed for Scenic designation. The reservoir and creek are within a Research Natural Area operated by the Forest Service. The reservoir itself is now operated by the Central Utah Water Conservancy District (CUWCD) for flood control and fish and wildlife purposes. Specifically the reservoir is a refuge for the endangered June sucker fish (*Chasmistes liorus*). Our office is a partner in the June Sucker Recovery Implementation Program, along with the CUWCD and others. Red Butte Creek upstream of the reservoir is also of interest to the Utah Division of Wildlife Resources (DWR) for conservation of the Bonneville cutthroat trout, a sensitive species. Success in recovering both these fish species will support goals of the

Endangered Species Act and will avoid burdensome restrictions on water resource developments such as the CUP.

Future fisheries habitat enhancement projects in Red Butte Creek and Reservoir in support of both June sucker and Bonneville cutthroat trout should be compatible with the resource restrictions associated with Scenic designation. Motorized vehicle traffic would likely continue, but be limited to the exist road or trails that parallel the creek. It is unlikely that new roads would be proposed. Future fish management or habitat improvement projects would not likely adversely affect the water quality or free-flowing nature of Red Butte Creek, or adversely affect other ORVs of the area.

Upper Uinta River

The Upper Uinta River on the Ashley National Forest is proposed for Wild designation with a corridor extending to the border between the High Uinta Wilderness Area and the Ashley National Forest, Duchesne County, Utah. The DEIS correctly notes that there are Bureau of Reclamation withdrawn lands along the Uinta River corridor that extend about 4.5 miles upstream into the Wilderness Area.

An adjacent withdrawal extends further south along the Uinta River through the Ashley National Forest ending at the boundary with the Uintah and Ouray Indian Reservation. These withdrawals are for future water resource development projects. This southern withdrawal is actively being studied for possible development of an irrigation reservoir by the CUWCD and Duchesne Water Conservancy District. While the Upper Uinta River WSR corridor does not include this southern withdrawal area, it is close enough to warrant a more thorough discussion of potential conflicts in the FEIS. The discussion on page 154 of the DEIS no more than hints at this issue. Uninformed readers and decision-makers will not understand the full scope of this issue and the potential for conflict without expanded treatment.

In addition, we recommend that you initiate and maintain close communications with water users in the basin on this issue. Mr. Randy Crozier of the Duchesne Water Conservancy District ((435) 722-4977) and Mr. Scott Ruppe of the Uinta Water Conservancy District ((435) 789-1651) are important contacts.

We wish to remain on your mailing list for interagency coordination on this issue and, particularly, for review of the Final Environmental Impact Statement and Record of Decision. For further discussion of these matters, call Ralph Swanson at 801/379-1254.

Sincerely,



Reed R. Murray
Program Director

cc: Central Utah Water Conservancy District, 355 West University Pky, Orem, UT 84058
(Attn: Terry Hickman)

Executive Director, Utah Reclamation Mitigation and Conservation Commission, 230
South 500 East, Suite 230, SLC, UT 84102

Randy Crozier, Duchesne County Water Conservancy District, 855 East 200 North
(112-10), Roosevelt, UT 84066

Area Manager, Bureau of Reclamation, 302 East 1860 South, Provo, UT 84606

Supervisor, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078

Supervisor, Uinta National Forest, 88 West 100 North, Provo, UT 84601



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 56, Room 1003
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



February 8, 2008

9043.1
ER 07/1072

Forest Supervisors

Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests
c/o Catherine Kahlow, USFS WSR Team Leader
P.O. Box 68
Kamas, UT 84036

Dear Forest Supervisors:

The Department of the Interior has reviewed the Draft Environmental Impact Statement (EIS) for the Wild and Scenic River Suitability Study for National Forest System Lands in Utah, Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests, Box Elder, Cache, Daggett, Duchesne, Emery, Garfield, Grand, Kane, Millard, Piute, Salt Lake, Sanpete, San Juan, Sevier, Summit, Uinta, Utah, Wasatch, Washington, and Weber Counties, Utah; Montrose County, Colorado; and Uinta County, Wyoming, and offers the following comments:

General Comment

Section 3.14, "Cumulative Effects Analysis" identifies potential threats to Wild and Scenic River values from potential development and uses but does not disclose the effects of Wild and Scenic River designation and management on the competing resource values and uses. There is no mention of economic losses or impacts on other resources from management to protect river related values. The tradeoffs should be analyzed and disclosed in the final EIS.

Bureau of Reclamation (Reclamation) Resources

Expanding on our General Comment, above, we would like to ensure that the proposed action includes consideration of the importance of many of Utah's rivers and creeks for the provision of water resources to settled parts of the state. The suitability evaluation and determination process should include existing and potential water resources development. Reclamation is concerned that the preferred alternative (alternative 3 as stated in EIS) would have some adverse effect on future water resource projects and other development activities, including future operation and

maintenance of and construction at existing projects. Designation of certain rivers or river sections in or around Reclamation facilities, ongoing projects, or proposed projects could adversely affect Reclamation's ability to successfully fulfill its responsibilities to assist with the provision of water and power resources and flood control to the public.

As stated in Reclamation's Provo Area Office's July 2007 scoping comments, Reclamation believes that the designation of rivers or river sections associated with Flaming Gorge Reservoir, including Carter Creek, Cart Creek Proper, Pipe Creek, the Green River downstream from the Flaming Gorge Dam, and the Middle and Lower Main Sheep Creek, and river systems flowing from high-elevation lakes in the Uinta Mountains, should take into consideration Reclamation's existing authority at Flaming Gorge as discussed later in this letter. The designation of other rivers such as Ashley Creek, the Upper Whiterocks River, and East Fork Whiterocks River that are associated with existing Reclamation facilities, also raise similar concerns regarding the restriction that a Wild and Scenic designation may place on federal water development activities in the region.

In the Manti-La Sal National Forest, designation of the Fish Creek and Gooseberry Creek could be of concern with respect to operation of the Scofield project and the proposed Narrows project.

Reclamation has concerns with the designations of Fifth Water Creek and Uinta River. An existing power line crossing Fifth Water Creek will be upgraded in the future by the Central Utah Water Conservancy District; designation of this river could jeopardize or seriously impair this work. A portion of the Uinta River is contained within a Reclamation land withdrawal. New information that the Forest Service needs to consider is that a final study of water needs prepared by CH2M Hill and Franson, entitled "Conceptual Analysis of Uinta and Green River Water Development Projects," was published in December 2007. The study identifies the need for more culinary water in the Basin which will require future water development projects.

Also provided in the July 2007 scoping comments, Table 1 (see attachment) summarizes river segments potentially related to Reclamation projects within Utah. Related to this table, please note that on page 3-160 of the draft EIS, the statement is made that "[t]he Bureau of Reclamation requested that congressionally withdrawn lands for potential water development projects be evaluated in this process; the exact locations of these projects and associated withdrawn lands have been requested but not submitted to the Forest Service as of yet." It should be clarified that the locations of such withdrawn lands, as well as the authorities pertaining to withdrawn lands, were furnished to the EIS team by the Provo Area Office and Central Utah Water Conservancy District in July and August, 2007.

Several alternatives propose a "scenic" designation of the 12.6 mile segment of the Green River, extending from the Flaming Gorge outlet works to the boundary of the Ashley National Forest. This segment is being considered "free-flowing" under the process identified in Section 1.3 because it is without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. We agree that there are no impoundments or diversions within the 12.6 mile segment; however, in the common sense, the segment is not "free-flowing" as defined in Section 16 of the Wild and Scenic Rivers Act, and in the sense that the water supply to the segment is variable because the operations of Flaming Gorge Dam and Powerplant determine the flows in

this segment. Also, riprap and other means of bank stabilization and channel preservation are employed from time to time to preserve the structural integrity of the facilities at the Flaming Gorge Dam and downstream of the outlet works. The draft EIS should address these deviations from a "scenic" designation and specifically identify the priority operations of the Flaming Gorge Unit that may affect the characteristics of this 12.6 mile river segment. In particular, the following should be disclosed in the final EIS and in any future management plans associated with this scenic designation, if approved:

- a. The operation, maintenance, and construction activities of Flaming Gorge Dam, Powerplant, and Reservoir, performed above and within the designated segment, will not be restricted by the scenic designation of the 12.6 mile portion below the dam. Reclamation may adjust flows coming out of the dam to whatever levels are allowed by existing water rights for uses authorized by law or contract. In particular, Reclamation has discretion over the entire storage amount in Flaming Gorge Reservoir, including reservoir depletions that could reduce flows below the dam. Future modifications of operations and maintenance and construction activities, consistent with current authority, could be implemented regardless of the scenic designation.
- b. Reclamation has operation, maintenance, and construction responsibilities associated with improvements and facilities in the area immediately downstream of the Flaming Gorge outlet works. It is expected that the roles and responsibilities of the Forest Service and Reclamation will continue as provided under FS Agreement No. 04-IA-11040100-001, Administration of Forest Resources, Recreation Facilities, Lands, Waters, and Reclamation Works in the Flaming Gorge National Recreation Area.
- c. Periodically, it is necessary to release high volumes of water, either to support endangered species or for hydrologic reasons. Such releases may damage downstream recreation improvements made by the Forest Service, e.g., trails or channel improvements to benefit rafting. Consistent with historic practice, Reclamation will continue to notify the Forest Service of such releases but will not have responsibility for repairs. Designation as a scenic river segment will not change this practice.
- d. Any maps designating this segment as scenic should identify Flaming Gorge Dam and Reservoir as being immediately upstream of the Green River segment. In particular, the maps in Appendix A (page 30) and Appendix E (page 4) should be modified to show this facility.
- e. Reclamation is authorized to market water out of Flaming Gorge Reservoir. Such water marketing may affect the level of storage in the reservoir and, consequently, could affect the flows available for release to the designated segment.

If you have any questions regarding these comments, please contact Nancy Coulam at 801-524-3684.

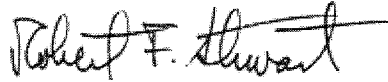
Forest Supervisors, Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache
National Forests

4

Bureau of Land Management Resources

As stated in the EIS, the BLM is a cooperating agency for preparation of the EIS. BLM is currently working on five land use plans and recognizes that final determinations on suitability for eligible river segments have not been made. BLM will continue to work directly with the Forest Service to coordinate and update baseline information and analysis for the Final EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Stewart". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Robert F. Stewart
Regional Environmental Officer

Catherine Kahlow, USFS WSR Team Leader

Table 1 – River Segments Related to Reclamation Projects Within Utah

Reclamation Project Title	Forest Service District	Stream Segments Identified	Eligibility
Provo River, Central Utah Project—Bonneville Unit	Pleasant Grove Ranger District	North Fork Provo River	Wild, Recreational
Provo River, Central Utah Project—Bonneville Unit	Pleasant Grove Ranger District	Provo Deer Creek	Wild, Recreational
Provo River, Central Utah Project—Bonneville Unit	Kamas Ranger District	Provo River	Recreational
Provo River, Weber Basin Projects	Kamas Ranger District	Beaver Creek	Wild
Provo River, Weber Basin, Weber River Projects	Kamas Ranger District	Weber River	Scenic
Provo River, Weber Basin, Weber River Projects	Kamas Ranger District	Middle Fork Weber River	Wild
Lyman Project	Mtn View Ranger District	Blacks Fork	Recreational
Lyman Project	Mtn. View Ranger District	Little East Fork Black Fork, East Fork Blacks Fork, East Fork Smiths Fork	Scenic
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	Lower Dry Fork Creek	Recreational
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	Ashley Gorge Creek, Black Canyon	Wild
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	South Fork Ashley Creek, Ashley Gorge Creek	Scenic
Colorado River Storage Project—Flaming Gorge	Manila Ranger District	Green River	Scenic

Moon Lake Project	Duchesne Ranger District	East Basin Creek, Ottoson Creek, Upper Lake Fork River, Oweep Creek	Wild
Central Utah Project—Bonneville Unit	Roosevelt Ranger District	Upper Yellowstone Creek, Garfield Creek	Wild
Emery Project	Price Ranger District	Left Fork of Huntington Creek	Scenic
Emery Project	Price Ranger District	Huntington Creek	Recreational
Scofield Project	Ephraim Ranger District	Fish Creek, Gooseberry Creek	Scenic